

REMARKS

Applicants have considered the outstanding official action. It is respectfully submitted that the claims are in condition for allowance as set forth below.

Claims 12-22 have been canceled without prejudice as being drawn to non-elected subject matter. Applicants reserve the right to pursue the subject matter of non-elected claims 12-22 in a divisional application.

Claim 2 is objected to because of an informality. Claim 2 has been amended to address the informality.

Claims 1-11 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Further, the Examiner has stated that claims 2-11 are allowable if rewritten or amended to overcome the rejection under 35 U.S.C. §112, second paragraph, as set forth in the official action.

The Examiner states that it is unclear in claims 1 and 11 whether the toilet is intended to be included in the claims. Applicants advise that the toilet is not an element of the claimed apparatus. In defining the relation or position of the horizontal bar to the suspension means for the claimed apparatus, the function of the bar is defined which is in relation to a person during use of a toilet

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being able to passively semi-hang from the horizontal bar. Claim 1 and claim 9 (from which claim 11 depends) have been amended to clarify the language.

Claims 2 and 3 were stated to be indefinite based on the terms "support members" and "legs". Claims 2 and 3 have been amended to address this matter.

Applicants submit that 2-11 are definite within the meaning of §112, second paragraph, and that claims 2-11 are now in condition for allowance. Withdrawal of the §112 rejection and formal allowance is respectfully requested.

The sole rejection based on art is of claim 1 under 35 U.S.C. §103(a) as being unpatentable over Gottlieb et al (U.S. Patent No. 2,534,664) in view of Warner (U.S. Patent No. 4,498,204) and O'Brien et al (U.S. Patent No. 6,068,225)

The claimed invention is directed to an apparatus for treating constipation comprising a substantially horizontal bar supported by a suspension means. The suspension means is constructed and arranged to suspend when in use with a toilet a sufficient distance above the toilet so as to enable a person when using the toilet to passively semi-hang from the horizontal bar. The benefits of the apparatus result from a user semi-hanging in a sitting position from the horizontal bar. The user straightens his torso causing the angle between the sigmoid colon and rectum to increase, unfold and untangle and, thus, lessen any

functional obstructions caused by the sigmoid-rectal angle present when using a toilet in a conventional manner. Also, the semi-hanging position provided by the claimed apparatus serves to heighten and narrow the abdominal cavity and cause the abdominal muscles to tighten and increase intra-abdominal pressure to expel fecal material. This "semi-hanging" position provided by use of the apparatus also removes excessive pressure from the perianal area, thereby lessening the complications associated with constipation.

In asserting obviousness of the claimed invention under 35 U.S.C. §103(a), the Examiner relies on Gottlieb in view of Warner and O'Brien et al. Applicants respectfully submit that Gottlieb, Warner and O'Brien et al, alone or in combination, fail to teach or suggest the claimed invention.

More specifically, Gottlieb teaches a rectum fitting for assisting in overcoming constipative conditions. The rectum fitting has a wedge-shaped protuberance of gradual taper from the highest point toward the front and a more steep taper from the highest point toward the rear. The rectum fitting is used in conjunction with a toilet seat. To assist a person in sitting on the fitting without possible injury, body supporting rings are suspended from the ceiling some distance above the toilet stool and to the front of the patient so that the person can gradually lower his body into position on the fitting. The person then releases the rings and uses the toilet in a conventional

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manner. Gottlieb does not teach or suggest an apparatus structured to allow a person to semi-hang therefrom when using a toilet. The support member of Gottlieb is above and in front of the user and only aids the user during positioning of the user on the rectum fitting on the toilet stool. No teaching or suggestion is provided as to an apparatus structured to allow a user of the apparatus to semi-hang when using the apparatus and a toilet.

The secondary references, Warner and O'Brien et al, do not make up for the shortcomings of the primary reference Gottlieb. Specifically, Warner teaches a support system which allows a person to raise or lower himself, move from place to place or simply provide support in a given position. This system has vertical poles and horizontal bars or manual grip rings on two or more of the poles. However, the horizontal bars or manual grips are designed to be located in front of a user or on the side of the user. Warner does not teach or suggest horizontal support poles located above a user from which the user may semi-hang.

O'Brien et al teaches a multi-level trapeze handle and support pole system for assisting elderly and disabled persons in sitting up in bed and standing up from bed. The trapeze handle is located in front of the user so that the user can grasp the handle and pull himself up from a bed or to a standing position. O'Brien et al does not teach or

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suggest a horizontal bar located above a user from which the user may semi-hang.

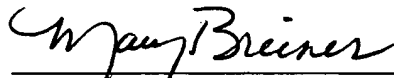
Accordingly, applicants respectfully submit that the secondary references, Warner and O'Brien et al, do not make up for the shortcomings of the primary reference Gottlieb. Even upon combination of a horizontal bar from the teachings of the secondary references with Gottlieb, a support bar useful for support during rising and lowering only would be suggested in view of the teachings. No suggestion is provided as to an apparatus having a horizontal bar allowing for semi-hanging during use of a toilet. Accordingly, no teaching or suggestion is provided by the applied combination of Gottlieb, Warner and O'Brien et al to obtain the claimed invention. Accordingly, applicants request withdrawal of the §103(a) rejection.

Reconsideration and allowance of the claims are respectfully urged.

Respectfully submitted,

BORIS REYDEL ET AL

By



Mary J. Breiner, Attorney  
Registration No. 33,161  
BREINER & BREINER, L.L.C.  
115 North Henry Street  
P.O. Box 19290  
Alexandria, Virginia 22320-0290

Telephone (703) 684-6885